

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MARTHA MIHICH,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT,  
INC., et al.,

Defendants.

Case No. CV 24-6498 FMO (KSx)

**ORDER TO SHOW CAUSE RE: SUBJECT  
MATTER JURISDICTION**

On October 17, 2024, Martha Mihich (“plaintiff”) filed the operative First Amended Complaint (“FAC”) against Midland Credit Management, Inc. (“Midland”) and Comenity Capital Bank (“Comenity”) (collectively, “defendants”). (See Dkt. 20, FAC at ¶¶ 12 & 20). Plaintiff alleged federal causes of action against Midland, (see id. at ¶¶ 92-200), and state law causes of action against Midland and Comenity. (See id. at ¶¶ 201-12 & 213-15). According to plaintiff, the court’s subject matter jurisdiction was premised on federal question jurisdiction, and the court had supplemental jurisdiction over the state law claims. (See id. at ¶ 6); 28 U.S.C. § 1367.

However, the jurisdictional allegations now appear to be defective. The court recently dismissed Midland from this action pursuant to a Joint Notice of Settlement, (see Dkt. 37, Court’s Order of January 28, 2025); (Dkt. 36, Joint Notice of Settlement), and based on the court’s review of the case, the only remaining causes of action asserted against Comenity are under state law. (See Dkt. 20, FAC at ¶¶ 201-15 & Prayer for Relief). As a result, there no longer appears to be

1 a basis for federal question jurisdiction, and based on the FAC, the court is skeptical that diversity  
2 jurisdiction exists. Under the circumstances, it is necessary for the court to determine whether it  
3 has jurisdiction or whether it must dismiss this action without prejudice for refiling in state court.

4 Accordingly, IT IS ORDERED that no later than **April 15, 2025**, plaintiffs shall file a Second  
5 Amended Complaint that sets forth the basis for the court's jurisdiction over this action. **Failure**  
6 **to do so by the deadline set forth above shall be deemed as consent to dismissal of the**  
7 **action for refiling in state court.**

8 Dated this 1st day of April, 2025.

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10 /s/

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Fernando M. Olguin  
United States District Judge  
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